

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-314-T - ORDER NO. 2004-430

SEPTEMBER 13, 2004

IN RE:	Application of Tommy Tucker d/b/a Mark I)	ORDER
	Moving & Storage, 8 Cartee Avenue,)	REINSTATING
	Greenville, SC 29605 (District 4) to Reinstate)	CERTIFICATE
	Class E Certificate of Public Convenience and)	
	Necessity No. 9666-A.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Tommy Tucker d/b/a Mark I Moving & Storage (“Applicant” or “Mark I”) to reinstate Class E Certificate of Public Convenience and Necessity No. 9666-A (“Certificate”). Certificate No. 9666-A was issued to Mark I by Commission Order No. 98-426, dated June 9, 1998, which amended Mark I’s original Certificate No. 9666 by a modification to the Applicant’s scope of authority reflected on such Certificate. It appears from the record that Mark I’s original certification was granted by Commission Order No. 95-1341 issued in Docket No. 1995-537-T.

By Commission Order No. 2003-86, dated February 28, 2003, issued in Docket No. 2003-44-T, a Rule to Show Cause Hearing was set for holders of Certificates of Public Convenience and Necessity that had failed to file the required evidence of insurance and had failed to comply with the statutes governing operations of Motor Vehicle Carriers in South Carolina. The holders of Certificates addressed in Order No. 2003-86 were given thirty (30) days from the date of receipt of the Order to respond to the allegations of their failure to comply with the requirements stated above. The record

reflects that Mark I was a respondent to the Rule to Show Cause for failure to file the required evidence of insurance.

For those motor carriers who had not responded to the prior notifications of noncompliance, a public hearing regarding this matter was held on Wednesday, April 9, 2003, at 12:30 p.m. The Commission found that the Certificates of Public Convenience and Necessity held by certain carriers should be revoked and cancelled for the continued, willful violation by these carriers of the Commission's Rules and Regulations and/or the South Carolina statutes governing Motor Vehicle Carriers [S.C. Code Ann. Section 58-23-10 et. seq. (1976)], with the specific violation being the failure to maintain insurance coverage as required. Accordingly, the Commission issued Order No. 2003-264, dated April 24, 2003, which cancelled Mark I's Certificate No. 9666-A.

By letter received September 2, 2004, the Applicant requests that Mark I's Certificate in question be reinstated. According to the Applicant, Mark I was under the impression that the underwriter for its insurance coverage automatically filed the insurance verification with the DMV and DOT and that Mark I never received notification that insurance coverage had been cancelled. Mark I states further that there was a transition period between September, 2002, and February, 2004, when the Applicant's office was relocated and Mark I's staff downsized which created confusion in Mark I's operations. Additionally, the Applicant asserts that Mark I's insurance agency will file with the Commission verification of Mark I's insurance coverage.

At its regularly scheduled meeting on September 8, 2004, the Commission reviewed the case before it and after due consideration, the Commission concludes that

the above-mentioned Certificate should be reinstated, subject to compliance with all the applicable statutes and the Commission's Rules and Regulations.

IT IS THEREFORE ORDERED:

1. That Class E Certificate of Public Convenience and Necessity No. 9666-A in the name of Tommy Tucker d/b/a Mark I Moving & Storage be, and hereby is, reinstated, subject to compliance with all Commission Rules and Regulations within sixty (60) days of the date of this Order.

2. That all operating rights authorized under the Certificate are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations within sixty (60) days of the date of this Order.

3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, including the requirements of filing proof of insurance and an acceptable safety rating, the motor carrier services authorized by the Certificate shall not be provided.

4. Failure of the Applicant either (1) to complete the certification process by complying with the Commission requirements of causing to be filed with the Commission proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, shall result in the authorization approved in the Order being revoked.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)